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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES R. WASON

Appeal 2009-005075
Application 10/606,547
Technology Center 2100

Decided: April 29, 2010

Before HOWARD B. BLANKENSHIP, JEAN R. HOMERE, and STEPHEN C. SIU, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-15, 19-35, and 43-50. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

In Appellant's invention, a method and apparatus for representing and controlling documents including rich text for Web based applications and browsers is provided so that editing of rich text can be facilitated within the browsers. The rich text is represented in a memory structure so that various formats may be flexibly maintained. Text, images, tables, links and the like are represented in the memory structure, which may be maintained in databases for eventual editing. A controller class and subsidiary classes represent the rich text and provide methods to convert html to the memory structure and back, representing the rich text in a relational database, retrieving the rich text from a relational database, and presenting the rich text for editing. Abstract.

Representative Claim

1. A method of representing and managing rich text for use by Web based applications and browsers as implemented in a machine, the method comprising the steps of:

providing one or more classes for use by the applications to at least create and manage one or more rich text nodes in a memory structure representation representative of rich text;

representing the rich text in the memory structure representation; and

editing the rich text in a document using the memory structure representation to perform editing functions on the document having the rich text as managed and created by the one or more classes.

Prior Art

Domini	6,085,206	Jul. 4, 2000
Prinzing	6,470,364 B1	Oct. 22, 2002
Prinzing	6,480,206 B2	Nov. 12, 2002

Examiner's Rejections/Claim Status

Claims 1-15, 19, 20, 24-31, 33-35, 43-45, and 47-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Prinzing '206 and Prinzing '364.

Claims 21-23, 32, and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Prinzing '206, Prinzing '364, and Domini.

Claims 16-18 have been allowed.

Claims 36-38 are objected to as being dependent upon a rejected base claim.

Claims 39-42 have been withdrawn from consideration as being directed to a non-elected invention.

Claim Groupings

In view of Appellant's arguments in the Appeal Brief, we will decide the appeal on the basis of claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

Has Appellant shown that the Examiner erred in finding that the combination of Prinzing '206 and Prinzing '364 teaches "providing one or more classes for use by the applications to at least create and manage one or

more rich text nodes," where the applications are "Web based applications and browsers" as recited in claim 1?

FINDINGS OF FACT

Prinzing '206

1. A modular text editor formats and displays text by creating style objects that format text elements arranged hierarchically. Style objects may include formatting information for document text elements, paragraph text elements, and character text elements. These style objects are then arranged as subclasses according to the hierarchy of text elements. Next, the text editor provides view objects to display text elements of the document. Like the style objects, the view objects are arranged as subclasses according to the hierarchy of text elements. Using information associated with the style objects, the formatted text elements in the document are displayed using the view objects. Abstract.

2. Figure 1 is block diagram of a computer system 100 including a memory 102, a processor 104, a display device 105, a network interface 106, an input output device 108, a keyboard 110, a mouse 112, a secondary storage 115, and a bus 114, which provides connectivity and communication among these subsystems. Network interface 106 can be connected to a Local Area Network (LAN), a Wide Area Network (WAN), or the Internet. Bus 114 may use a standard bus protocol. Fig. 1; col. 3, ll. 33-42.

3. Memory 102 includes a GUI application 116, text 117, a development kit (DK) 126, and an operating system 124. GUI application 116 may be a text editor, business software, a software development tool, or any other software application with a GUI capable of formatting and

displaying text 117. Text 117 may be organized as a hierarchy of text elements including a document element, paragraph elements, and character elements. DK 126 provides a variety of libraries, subroutines, classes, drivers, and other software modules accessible to GUI application 116 using application programming interfaces (API). Fig. 1; col. 3, ll. 43-53.

PRINCIPLES OF LAW

Claim Interpretation

During examination, claims are to be given their broadest reasonable interpretation consistent with the specification, and the language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Amer. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). The Office must apply the broadest reasonable meaning to the claim language, taking into account any definitions presented in the specification. *Id.* (citations omitted).

Obviousness

"What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007). "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* at 416.

ANALYSIS

Section 103(a) rejection of claims 1-15, 19, and 20

Appellant contends that the combination of Prinzing '206 and Prinzing '364 does not teach "providing one or more classes for use by the applications to at least create and manage one or more rich text nodes," where the applications are "Web based applications and browsers" as recited in claim 1. App. Br. 10; Reply Br. 3-5. Appellant states that Prinzing '364 teaches an HTML editor that functions on a user's computer, not through the Internet. In contrast, according to Appellant, a Web based application is an application that is used in an online environment and a browser is a software application that enables a user to display and interact with a web page on the World Wide Web or a local area network. App. Br. 10-11.

Claim 1 recites a method of representing and managing rich text "for use by Web based applications and browsers," and providing one or more classes "for use by the applications" to at least create and manage one or more rich text nodes. The "for use" clauses appear to represent a mere intended use of the rich text. The claim does not positively recite any actions performed by the "Web based applications and browsers." Claim 1 thus sets forth a method of representing and managing rich text, without requiring the Web based applications and browsers to do anything with the rich text.

Furthermore, even if "Web based applications" were somehow involved in performing one or more steps of the method of claim 1, Appellant has not distinguished the phrase "Web based applications" from the teaching of Prinzing '206 and Prinzing '364. The Specification states that a "server . . . and an associated database . . . provide[] for a Web based

application in communication with the client computer." Spec. 6:8-13. A rich text editor retrieves images or attachments from the database. Spec. 17:8-11. The rich text handling method can be performed by a suitably programmed stand alone general purpose computer. Spec. 10:25 to 11:11. Therefore, the phrase "Web based application," when read in light of Appellant's Specification, encompasses a suitably programmed stand alone general purpose computer that retrieves data from a database over a network, and then edits the data using a rich text editor.

Prinzing '206 teaches a computer system that stores text in a memory and edits the text using a text editor executed by a general purpose computer. The general purpose computer is connected to a secondary storage and a network interface through a bus. The network interface can connect the computer system to a local area network, a wide area network, or the Internet. FF 1-3.

Retrieving text from a storage device connected to the Internet, and then editing the text using a text editor running on a local computer, appears to represent the combination of familiar elements according to known methods that does no more than yield predictable results. Appellant has provided no evidence tending to show that using a local computer to retrieve text from a network storage device and then editing the retrieved text using a text editor was "uniquely challenging or difficult for one of ordinary skill in the art." *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418-19).

We therefore sustain the § 103(a) rejection of claim 1. Appellant has not provided separate arguments for the patentability of dependent claims 2-

15, 19, and 20. Because we find the arguments for claim 1 unpersuasive, we sustain the § 103(a) rejections of claims 2-15, 19, and 20.

Section 103(a) rejections of claims 21-35 and 43-50

Appellant provides remarks under multiple headings in the Appeal Brief and, under some headings, quotes claim language. However, under the applicable Board rule, reproducing claim language is not an argument for separate patentability of the claim. *See* 37 C.F.R. § 41.37(c)(1)(vii) ("A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim."). Because Appellant's arguments are based on the premise that the combination of Prinzing '206 and Prinzing '364 does not teach "Web based applications" which we find unpersuasive as discussed in the analysis of claim 1, we sustain the Examiner's § 103(a) rejections of claims 21-35 and 43-50.

CONCLUSION OF LAW

Appellant has not shown that the Examiner erred in finding that the combination of Prinzing '206 and Prinzing '364 teaches "providing one or more classes for use by the applications to at least create and manage one or more rich text nodes," where the applications are "Web based applications and browsers" as recited in claim 1.

DECISION

The rejection of claims 1-15, 19, 20, 24-31, 33-35, 43-45, and 47-50 under 35 U.S.C. § 103(a) as being unpatentable over Prinzing '206 and Prinzing '362 is affirmed.

The rejection of claims 21-23, 32, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Prinzing '206, Prinzing '362, and Domini is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

msc

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